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FAX TRANSMISSION**DATE:** December 4, 2006**PTO IDENTIFIER:** Application Number 10/502,039-Conf. #2075
Patent Number**Inventor:** Raimund Ströbel et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** RADER, FISHMAN & GRAUER PLLC

Michael B. Stewart

PHONE: (248) 594-0633**Attorney Dkt. #:** 60680-1948**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Election/Restriction Requirement (2 pages)
Certificate of Transmission (1 page)

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Application No. (if known): 10/502,039

Attorney Docket No.: 60680-1948

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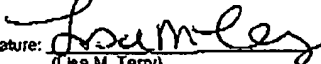
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Response to Election/Restriction Requirement (2 pages)

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Docket No.: 60680-1948
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Raimund Ströbel et al.

Application No.: 10/502,039

Confirmation No.: 2075

Filed: January 22, 2003

Art Unit: 1745

For: BIPOLAR PLATE

Examiner: J. S. Maples

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the election/restriction requirement set forth in the Office Action mailed November 3, 2006, requiring a response to an election/restriction requirement.

We note that this is the second election/restriction requirement for this application. Moreover, it has been sent after the filing of a response on the merits. Further, only two dependent claims, namely claims 3 and 4, are subject to the election/restriction requirement. Both claims 3 and 4 depend from dependent claim 2, which in turn depends from independent claim 1. We ask that the Examiner reconsider demanding an election between two dependent claims, both of which depend from a generic dependent claim, which in turn depends from a generic independent claim. Thus, the election of claim 3 is done with traverse.

This application is a National Phase of a PCT application under 35 U.S.C. § 371, and is not an application filed under 35 USC § 111(a). MPEP § 1893(d) points out that with respect to national stage applications filed under 35 USC § 371, restriction practice under 35 USC § 121 is inapplicable. Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. § 371) applications under PCT Rule 13 and 37 CFR § 1.475. Accordingly, Restriction Requirements are governed under the Unity of Invention standards, and the Examiner must clearly specify why the claims directed to different

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groups of inventions lack a common special technical feature. Namely, Unity of Invention exists when claims are directed to a common special technical feature.

As Stated above, MPEP §1893.03(d) explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

Claims 3 and 4 have a technical relationship that involves at least one common or corresponding special technical feature as set forth in both in independent claim 1 and dependent claim 2, from which both claims 3 and 4 depend. As noted above, both claims have at least the common inventive concept that the inner part and the frame are connected by an elastic element belonging to the bipolar plate.

Therefore, withdrawal of this office action is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 60680-1948 from which the undersigned is authorized to draw.

Dated: December 4, 2006 (the 3rd falling on a Sunday)
Sunday)

By



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